

**COMMUNITY SERVICES
BLOCK
GRANT PROGRAM**

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Information Memorandum

Transmittal No. 81

Date August 2004

TO: State Community Services Block Grant Program
Directors, U.S. Territories, Community
Action Agencies, and Other Non-profit
Organizations Receiving Community Services
Block Grant Funds

SUBJECT: Updated Guidance on Voter Registration
Activities

**RELATED
REFERENCES:** Public Law 105-285, the Coats Human Services
Reauthorization Act of 1998, and Public Law
103-31; the National Voter Registration
Act of 1993

PURPOSE: This memorandum provides new guidance on
voter registration activities and
immediately rescinds voter registration
guidance provided in Information Memorandum,
Transmittal No. 13, dated February 14, 1996

BACKGROUND: In 1996, when Information Memorandum,
Transmittal No.13 was issued, Public Law
97-35, The Omnibus Reconciliation Act of
1981, as amended was the legislative
authority governing the CSBG program. In
interpreting then Section 675 of the Act, it
was determined that the language
prohibiting, "activities to provide voters
and prospective voters with transportation
to the polls or provide similar assistance
in connection with an election or any voter
registration activity," was preempted by
Section (7)(a)(3)(A) and (B) of the 1993
National Voter Registration Act (NVRA). This

Section of the NVRA provides that States shall designate governmental and nongovernmental offices within the State as voter registration sites. Our opinion was further supported by the fact that in the 1994 amendments to the CSBG Act, Congress repealed Section 675(e) which had provided that nonprofit organizations receiving CSBG funds were to be "deemed" State and local agencies and subject to the same restrictions applicable to such governmental entities as provided in Federal law at 5 U.S.C. 1502. Consequently, Information Memorandum, Transmittal No. 13 essentially gave States lead way to select CAAs and other eligible entities as nongovernmental voter registration sites.

DISCUSSION:

The Coats Human Services Reauthorization Act of 1998, significantly revised the political activity provisions of the CSBG Act with the addition of Section 678F(b). This Section declares that programs assisted with CSBG funds, "shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity." Given the new language, it is clear that Congress does not want CAAs and other eligible entities to use CSBG funds to participate in (or even present an image of being involved in) voter registration activities or other political activities.

The Coats Human Services Reauthorization Act of 1998, is the last enacted piece of

CSBG legislation. The expressed language of the Act is deemed to have precedence over the language of the Omnibus Reconciliation Act of 1981, and the NVRA enacted in 1993. Consequently, this guidance clarifies that voter registration activities are prohibited under the CSBG Act and that Information Memorandum, Transmittal No.13, is no longer valid.

INQUIRIES:

If you have questions, please contact Anita Wright at 202-690-5660.

Margaret J. Washnitzer, D.S.W.
Director of State Assistance
Office of Community Services